

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations,  
(Moncks Corner, Kiawah Island, and  
Sampit, South Carolina)

)  
)  
) MM Docket No. 94-70  
) RM-8474  
) RM-8706  
)  
)

DOCKET FILE COPY ORIGINAL

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**OPPOSITION TO LMC PETITION FOR RECONSIDERATION**

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September 20, 1996

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## SUMMARY

Sampit Broadcasters ("SB") seeks the allotment of FM Channel 289A to Sampit, South Carolina, as its first local service. To accomplish this, SB filed a mutually-exclusive counterproposal to a proposal of the licensee of WNST, Moncks Corner, South Carolina. WNST sought to change WNST's operating channel from 287C3 to 288C2 and change its community of license to Kiawah, Island, South Carolina. The Commission rejected both SB's and WNST's proposals in its *Report and Order*, DA 96-1149, published August 14, 1996 ("*R&O*").

On September 13, 1996, SB timely filed a petition for reconsideration of the *R&O*. SB's petition is only mentioned in passing in today's filing. This pleading is filed in opposition to WNST's August 19, 1996, petition for reconsideration of the *R&O* that denied WNST's proposal on the ground that the proposal was technically deficient. It appeared that WNST's reference site and usable area was in a marshy area, close to an airport where it was highly unlikely that a 150 meter tower could be erected. WNST responded to the *R&O* by attempting in its petition for reconsideration to switch its reference site to a point over 5 miles south of its original reference site.

SB shows herein that the Commission was on good ground when it rejected WNST's proposal. Contrary to its argument, WNST had adequate notice that the issue of site suitability was relevant to the proceeding. WNST simply failed to carry its burden of proof to show that a suitable site exists. WNST may not switch reference points at this stage of the proceeding, since it would constitute a late-filed counterproposal.

In summary, SB shows that the Commission should once again reject WNST's proposal, and that if the Commission were to consider it, SB's proposal would be greatly preferred, since WNST proposes 22nd service to the Charleston, South Carolina, Urbanized Area, and SB proposes a first local service to Sampit.

The Commission should reaffirm its denial of the WNST proposal, reverse its position on the SB proposal, and allot Channel 289A to Sampit as its first local service.

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of	)
	)
Amendment of Section 73.202(b)	) MM Docket No. 94-70
Table of Allotments,	) RM-8474
FM Broadcast Stations,	) RM-8706
(Moncks Corner, Kiawah Island, and	)
Sampit, South Carolina)	)

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**OPPOSITION TO LMC PETITION FOR RECONSIDERATION**

Sampit Broadcasters ("SB"), pursuant to Section 1.429(f)<sup>1</sup> of the Rules, hereby respectfully opposes the "Petition for Reconsideration" filed August 19, 1996, by L. M. Communications II of South Carolina, Inc. ("LMC"), licensee of Station WNST(FM)(formerly WJYQ(FM)), Moncks Corner, South Carolina. LMC seeks reconsideration of the Commission's *Report and Order*, DA 96-1149, released July 19, 1996 (the "*R&O*").<sup>2</sup> SB respectfully submits that the LMC petition should be denied as a matter of law. In support thereof, SB shows the following:

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<sup>1</sup> This Opposition is filed within fifteen (15) days of the Petition for Reconsideration being listed in the Federal Register, 61 FR 46807, published September 5, 1996. (FCC Report No. 2150).

<sup>2</sup> The Commission's Report No. 2150 specifically found LMC's petition to have been filed pursuant to Section 1.429. Inexplicably, LMC cited Section 1.106 of the Rules as authority for its Petition, even though Section 1.106(a)(1) provides that Section 1.106 does not govern reconsideration of notice and comment rule making procedures.

## **I. Background**

On July 5, 1994, the Commission issued a *Notice of Proposed Rule Making*, 9 FCC Rcd 3136 (1994) ("*NPRM*"), proposing: (1) the substitution of Channel 288C2 for Channel 287C3; (2) the reallocation of the substituted channel from Moncks Corner to Kiawah Island, South Carolina; and (3) the modification of WNST's license to operate on Channel 288C2. SB timely filed comments and a counterproposal which proposed, *inter alia*, the allotment of Channel 289A to Sampit, South Carolina, as its first local service. Numerous related pleadings were filed by both parties, culminating in the *R&O* from which LMC has sought reconsideration. In the *R&O*, the Commission denied both LMC's and SB's proposals.<sup>3</sup> This pleading shows that the Commission properly denied LMC's petition for rule making. In reality, LMC's instant petition for reconsideration is really a late-filed counterproposal. Moreover, LMC has failed to carry its burden of proof to show that a suitable transmitter site is available. And, if LMC's proposal were accepted, it would have to be considered as a 22nd service to the Charleston, South Carolina, Urbanized Area compared to SB's proposal for first local service to Sampit.

## **II. The Commission Properly Denied LMC's Petition**

In its *R&O*, the Commission found that LMC's proposal was technically deficient. The Commission's engineering analysis that rejected LMC's proposal was based on the reference site of North Latitude 32° 43' 38" and West Longitude 80° 00' 05" set forth in LMC's Petition. See, *NPRM*, at 3136, n.3. Therein, the Commission determined that while the entire

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<sup>3</sup> On September 13, 1996, SB sought reconsideration of the *R&O* on other grounds.

usable area from that reference point for Channel 288C2 is approximately 130 square kilometers (50 square miles), that area is not only marshy, but also close to an airport. The Commission does not consider a marshy area to constitute a suitable site.<sup>4</sup> Further, the FCC stated that the Federal Aviation Administration ("FAA") has rendered an opinion advising the FCC that it is unlikely that a 150 meter (492 feet) tower, or even a 50 meter (164 feet) tall tower would be approved at any site near the reference site because of its proximity to an airport. As a result of its findings, the Commission concluded that since no "suitable" site appeared to be available, as a matter of law, it could not allot Channel 288C2 to Kiawah Island. So concluding, the Commission dismissed as moot SB's submissions showing that LMC's proposal is really a proposal for Charleston, South Carolina -- not Kiawah Island.

As grounds for reconsideration, LMC complains that the Commission did not provide LMC with notice that the availability of a "suitable" site would be considered at the allotment, rather than the application processing stage, and in LMC's view, did not provide LMC information as to the specific facts on which the Commission based its determination that there is no suitable site for allotting Channel 288C2 to Kiawah Island.

The *Administrative Procedure Act* (5 U.S.C. §556(d)) provides that "the proponent of a rule or order has the burden of proof." Further, the FCC specifically advised LMC in the *NPRM* at 3137, ¶2, "Proponent(s) will be expected to answer whatever questions are presented in initial comments." In its Comments SB raised the question of the site suitability of LMC's

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<sup>4</sup> It has long been standard Commission practice to review the issue of "site suitability," as distinguished from "site availability," during the rulemaking process. For example, compare, *Washington and Wilmington, North Carolina*, 51 RR 2d 1297 (Chief, Policy and Rules Division, 1982), with *Wilmington, North Carolina*, 6 FCC Rcd 6969, 6971 (Chief, Allocations Branch, 1991).

proposal both as to terrain and the proximity to the Charleston Executive Airport, *R&O* at p.

3, ¶7. The FCC found LMC's response to be inadequate. Thus, LMC failed to carry its burden of proof, 5 U.S.C. 556(d).

It is specious for LMC now to argue (as it does at page 5 of its petition), that LMC was denied due process because "the Branch provided WNST with no notice that the availability of a specific site would be considered at the allotment stage and no opportunity to supplement its response with further technical information regarding site availability." To the contrary, *see, Warren and Niles, Ohio*, 59 RR 2d 1179, 1182 (Chief, Policy and Rules Division, 1986). ("We believe that no party has been prejudiced by our consideration of Zocolo's request in this proceeding, especially in light of the fact that CKP filed comments ... indicating that it had actual knowledge of the Niles proposal.")

LMC had adequate notice, and its contrary position is not well taken. LMC proposed a site in the Stono River Tidal Marsh area. Analysis of the site by SB's Technical Consultant showed that anywhere in the usable area the tower height would be severely limited due to both environmental and aeronautical considerations.

In its petition for reconsideration, LMC cites four cases; i.e., *Key West, Florida*, 3 FCC Rcd 6423 (Policy and Rules Division, 1988) ("*Key West*"); *Washington and Wilmington, North Carolina*, 51 RR 2d 1297 (1982) (*Washington and Wilmington*); *Homerville, Lakeland and Statenville, Georgia*, (8 FCC Rcd 2953, 2954 (Policy and Rules Division, 1993) ("*Homerville*"); *Randolph and Brandon, Vermont*, 6 FCC Rcd 1760 (Allocations Branch, 1991). None of the cited cases supports LMC's petition.



In *Key West*, the issue was one of whether a site was “available” in the specified location, rather than whether because of terrain and FAA problems there was a “suitable” site in the specified location.

LMC’s citation of *Washington and Wilmington* as involving the allotment of television Channel 10 to Wilmington, North Carolina, because of wetlands considerations is completely confusing because the cited case involves the allotment of FM Channel 252A to Wilmington. This case involved “site suitability” because the proposed site would require a 1500 foot tower in order to provide requisite service. Indeed, this case was relied on in the *R&O* at p. 7, ¶14.

In *Homerville* the Commission granted a petition for reconsideration because it was shown that the specified site “consists of both wet and dry lands, with enough dry land to provide a suitable site for construction.” No such showing has been made by LMC.

*Randolph* involved a rulemaking in which the Commission on its own motion found a suitable site a *de minimus* 0.6 kilometers (0.4 miles) away from the reference point. Here, LMC’s second site is a long distance from its original site.

LMC makes no effort in its petition to show that there is in fact sufficient suitable dry land in the reference point location to construct a 150 meter tower, instead, attempting to move the reference point to a new site (See Section III, *infra*). See, *Washoe Shoshone Broadcasting*, 3 FCC Rcd 3948, 3953 (Rev. Bd., 1988) (“*Washoe*”) (Where a party has the opportunity to present evidence in its favor but fails to do so, it must be presumed that the evidence, if produced, would be contrary to its position.)

LMC makes no reference to Commission decisions which are contrary to its position because they show that whether a “suitable site” can be found from the reference point is

always in issue in an FM rulemaking proceeding. Relevant here is the holding in *Ocrakoke, North Carolina*, 9 FCC Rcd 2011, 2012 (Acting Chief, Allocations Branch, 1994).

“As to the proposed allotment at Columbia, we have confirmed that the transmitter site proposed by the Loesches is in a swamp area. In addition, the Loesches did not respond to petitioner’s arguments by providing any showing that suitable land within the swamp area is available which would sustain the necessary antenna. It is Commission policy not to allot channels unless compliance with the Commission’s technical requirements can be shown at the rule making stage to avoid the allotment of substandard frequencies.”

Contrast the holding in *West Palm Beach, Florida*, 6 FCC Rcd 6975, 6976 (Chief Allocations Branch, 1991), where the petitioner did not make a showing that “no theoretical sites exist because of environmental, air hazard, or similar circumstances.”

### **III. LMC’s Petition for Reconsideration Is Unacceptable As a Late-Filed Counterproposal**

Now, for the first time, at ¶8 of its Petition, LMC proposes that for the purposes of its Petition, the FCC change the proposed site of North Latitude 32° 43' 38", West Longitude 80° 00' 05" to a new reference site at North Latitude 32° 38' 57", West Longitude 80° 02' 11" (NAD 27). Exhibit 1 to the attached Technical Exhibit is a map that shows the vast difference in the locations of the two reference sites. The sites are separated by more than 5 miles. No engineering or legal basis in support of LMC’s reference site switch was submitted by LMC.

In effect, LMC has filed (in the guise of a petition for reconsideration) a woefully late counterproposal to the *Notice of Proposed Rule Making*. LMC is raising new matter in its petition, something expressly prohibited by §1.429 of the Commission’s Rules.<sup>5</sup>

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<sup>5</sup> In effect, LMC is arguing that if the FCC does not find “proposal A” to be in the public interest, LMC is free to substitute “proposal B” while still seeking the cut-off protection of 47 C.F.R. §1.420 and supplying no engineering study to support “proposal B.”

47 C.F.R. § 1.420(c) provides that counterproposals may only be timely filed when they are filed by the time established for filing comments on a notice of proposed rule making. That time elapsed on August 26, 1994. At that time LMC specified a reference point of North Latitude 32° 43' 38", West Longitude 80° 00' 05". The reference point is the *sine qua non* of a petition for rule making because it is the point from which the Commission determines much crucial data about the proposal. For example, the reference point determines whether a signal of sufficient strength will be placed over the proposed community of license, *Key West, Florida*, 3 FCC Rcd 6423 (Policy and Rules Division 1988), cited by LMC. The reference point also permits the Commission to make a determination as to whether the proposal adequately protects both existing licenses and other proposals already on file. The reference point is also used in making the determinations under §307(b) of the Communications Act as to which areas and populations will receive service when a comparison is to be made (as here) between two mutually-exclusive proposals.

An acceptable petition for rule making is protected from any subsequent mutually-exclusive filings, other than a timely-filed counterproposal. And counterproposals may not be considered in reply comments. Thus, logically, LMC should not be free to now file a *de facto* counterproposal to its original proposal by changing the reference point in its Petition for Reconsideration.

As the Commission noted in *Pinewood, South Carolina*, 5 FCC Rcd 7609, 7610 [¶12] (1990), "We continue to believe that the continuous filing of proposals without regard to a cut-off date is not conducive to the effective transaction of Commission business and would delay service to the public." Thus, LMC's petition must result in the dismissal of the pleading as no more than an unauthorized untimely counterproposal.

Moreover, 47 C.F.R. §1.106(c)<sup>6</sup> permits consideration of a petition for reconsideration based on new evidence only under limited circumstances. In *RCA American Communications, Inc.*, 3 FCC Rcd 1184, 1188, n. 15 (1988), the Commission held:

Specifically, our Rules state that a petition for reconsideration which relies on facts not previously presented to this Commission or to the designated authority may be granted only if the petition relies on facts which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters; or if the petition relies on facts unknown to petitioner until after his last opportunity to present such matters; or if this Commission determines that consideration of the facts relied on is required in the public interest. See, Sections 1.106(b)(2), 1.106(c), 47 C.F.R. §§1.106(b)(2), 1.106(c).

The attached Technical Statement (Attachment 1) restates what SB showed in its September 13, 1996, Petition for Reconsideration, i.e., that while SB proposes first local service to Sampit, South Carolina, LMC in reality proposes a 22nd service to the Charleston, South Carolina, Urbanized Area. SB demonstrated that LMC proposes to serve more than 50% of the Charleston Urbanized Area. In *Headland, Alabama, and Chattahoochee, Florida*, 10 FCC Rcd 10352 (10354 ¶11 (Chief, Allocations Branch, 1995), the Commission reminded interested parties that it would not blindly apply the first local service preference of the FM allotment priorities when a station seeks to reallocate a channel from a rural community to a

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<sup>6</sup> While LMC stated that it filed its petition pursuant to 47 C.F.R. §1.106 on August 19, 1996, the FCC issued a public notice (Report No. 2150) accepting the petition as one filed pursuant to 47 C.F.R. §1.429. However, whether a petition for reconsideration is filed pursuant to either rule, both rules preclude the reliance on facts which have not been previously submitted to the Commission, except under limited circumstances, 47 C.F.R. §1.429(b). LMC does not even pay lip service to this legal requirement. While submitting new reference coordinates in Exhibit 2 to its Petition, LMC neither addresses the requisite engineering study as to separations required, nor why such a request for the FCC to consider such new facts complies with Section 1.429(b). LMC knows that such a study is required because such a study was included in the original petition for rulemaking. For this reason alone, LMC's petition should be summarily dismissed.

suburban community of a nearby urban area. Therein, the staff, acting under delegated authority, noted that: "[W]e will henceforth require stations seeking to move from rural communities to suburban communities located outside but proximate to Urbanized Areas to make the same showing we currently require of stations seeking to move into Urbanized Areas if they would place a city-grade (70 dBu) signal over 50% or more of the Urbanized Area." The tests required are to show: (1) "Signal Population Coverage" - the degree to which the proposed station could provide service not only to the suburban community, but to the adjacent metropolis as well; (2) the relative size of the two communities; and (3) the interdependence of the smaller community with the larger. While LMC might argue that this further showing was not called for during the 1994 comment period it is certainly relevant in 1996, and could have been addressed in LMC's petition for reconsideration. In the *NPRM*, LMC was required to address a number of reception services to the gain area. Rather than provide an illuminating coverage map, LMC in its comments simply conceded that at least five (5) services were already provided to the gain area.

If the Commission turns precedent on its head and allows LMC to switch reference points, a transmitter operating from its new reference point would still provide city-grade service to 60% of the Charleston Urbanized Area; thus the Commission must still compare LMC's proposal as a 22nd service to the Charleston Urbanized Area against SB's proposed first local service to Sampit.

Additionally, the attached Technical Statement shows that, if the new reference site is considered, there will be significant loss of service to the original area which is now served by WNST operating on Channel 287C3 at Moncks Corner. That loss of service would be in

contradiction to the promise made in the original petition for rule making that Moncks Corner would continue to be served.<sup>7</sup>

#### **IV. LMC Has Failed to Carry Its Burden of Site Suitability**

Large gaps in evidence are apparent from a review of the materials submitted by LMC. Although LMC has provided a statement from a person who LMC says owns the land where LMC's new proposed reference site is located, there has been no showing made by LMC that the site would be suitable for the erection of a tower. Questions are left unanswered as to whether local environmental and zoning authorities would permit the erection of a 500 foot tower on the new reference site. This could have been easily addressed with statements from a structural engineer and an environmental expert. However, LMC did not submit such evidence. Its proposal must be rejected as a result of LMC's failure to carry its burden of proof, 5 U.S.C. §556(d).

There was no bar to LMC applying to the FAA for a prior determination, but LMC has not done so. The FAA does not require an application to be on file prior to seeking from it a determination of no hazard. Cable television headend towers, water tanks, and tall buildings regularly obtain such determinations. LMC could have submitted a request to the FAA for such a determination, and could have reported on the results by later seeking leave to provide the information, but LMC has not done so. Its failure to address such a significant aspect of its case can only lead to the conclusion that if LMC had sought such a determination, it would

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<sup>7</sup> "Although petitioner recognizes that there may be some theoretical loss to the northern part of Moncks Corner ... the reallocation will enable Station WJYQ(FM) to provide better than 1.0 mV/m coverage to Moncks Corner...." *NPRM* at 3136 ¶2. Contrast LMC's coverage map set forth in its original comments (Attachment 2) with Attachment 1, Exhibit 2.

have received a negative response.<sup>8</sup> Even LMC's own airspace expert concedes that the proposed site does exceed the standards of Part 77 (77.23(a)(2) by 233 feet! It is only LMC's compensated expert's speculation that the result of FAA circularization will be the issuance of a determination of no hazard. Absent LMC's having supplied substantive evidence from the FAA that it would not object to the construction of a 500 feet tall tower on the proposed site, the FCC cannot reconsider this aspect of its decision.

LMC attacks SB for (in its view) not making a "compelling" showing that there was no site available from which WNST can operate which complies with the Commission's signal coverage and separation rules. LMC cites no Commission precedent to support this rather novel attempt to shift blame. It was LMC, not SB, that had the burden to convince the Commission that LMC's proposal was feasible and therefore in the public interest, *See*, 5. U.S.C. §556(d). That LMC failed to carry its burden is no way the fault of SB.

## V. Conclusion

LMC's petition for reconsideration falls woefully short. It must be rejected because the Commission was right in denying LMC's proposal in the first instance. LMC's site is unsuitable, and its *post hoc* attempt to switch it cannot be countenanced. LMC's new proposal, if it were to be considered, would, at best, constitute a 22nd service to the Charleston Urbanized Area, while SB proposes a first local service to Sampit. First local service is greatly preferred to a 22nd service to a well-served area. LMC's new proposal would also result in a loss of service over Moncks Corner. In summary, LMC has utterly failed to show why the Commission's *R&O* should be modified to allot Channel 288C2 to

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<sup>8</sup> *See, Washoe, supra*, p. 5.

Kiawah Island, South Carolina. That portion of the *R&O* should be summarily affirmed and LMC's petition for reconsideration should be denied.

On the other hand, the Commission should allot FM Channel 289A to Sampit, South Carolina, as that community's first local service, as SB has requested in its prior filings with the Commission.

Respectfully submitted,

**SAMPIT BROADCASTERS**

By:   
\_\_\_\_\_  
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Its Attorney

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September 20, 1996



**ATTACHMENT 1**

**TECHNICAL STATEMENT IN SUPPORT OF  
OPPOSITION TO PETITION FOR RECONSIDERATION  
SAMPIT BROADCASTERS**

September 1996

This Technical Statement supports the Opposition to a Petition For Reconsideration filed by *L.M. Communications II of South Carolina* ("LMC"). LMC filed a Petition for Rulemaking to substitute *Channel 288C2 for Channel 287C3* and change the city of license *from Moncks Corner, South Carolina to Kiawah Island, South Carolina*. The petitioner claimed that this change would provide a first local service to Kiawah Island. Sampit Broadcasters ("SB") counter proposed to *provide first local service to Sampit, South Carolina*. Both Petitions were denied by the Commission. This exhibit supports SB's Opposition to Petition For Reconsideration.

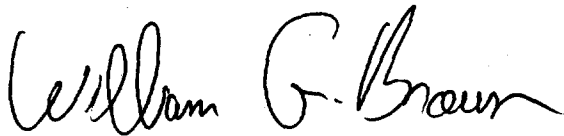
SB showed in its recent Petition for Reconsideration that the LMC proposal could not be considered a proposal to provide first local service to Kiawah Island since more than 50% of the city grade (3.16 mV/m) contour would cover the Charleston Urbanized Area which already has 21 aural services. LMC now has filed a Petition for Reconsideration that proposes a site further to the south than the original LMC Petition had requested, in effect a counterproposal to its original petition. If this new site were to be considered rather than LMC's specified site we have determined that this new site will provide 60% of the city grade (3.16 mV/m) coverage to the Charleston Urbanized Area. Therefore, the same conclusion applies since the new site also provides over 50% city grade service to the urbanized area. Therefore, the LMC proposal must be considered

as the 22<sup>nd</sup> service to the Charleston Urbanized Area and not as a first local service to Kiawah Island.

If the second site is considered, there will be a considerable loss of service to the original area which was originally served by Channel 287C3 at Moncks Corner. We show in Exhibit #2 the area where Moncks Corner will no longer receive the primary (1.0 mV/m) signal from the second proposed site. This loss of service would be in contradiction to the promise made in the original LMC Petition For Rulemaking that Moncks Corner would still be served.

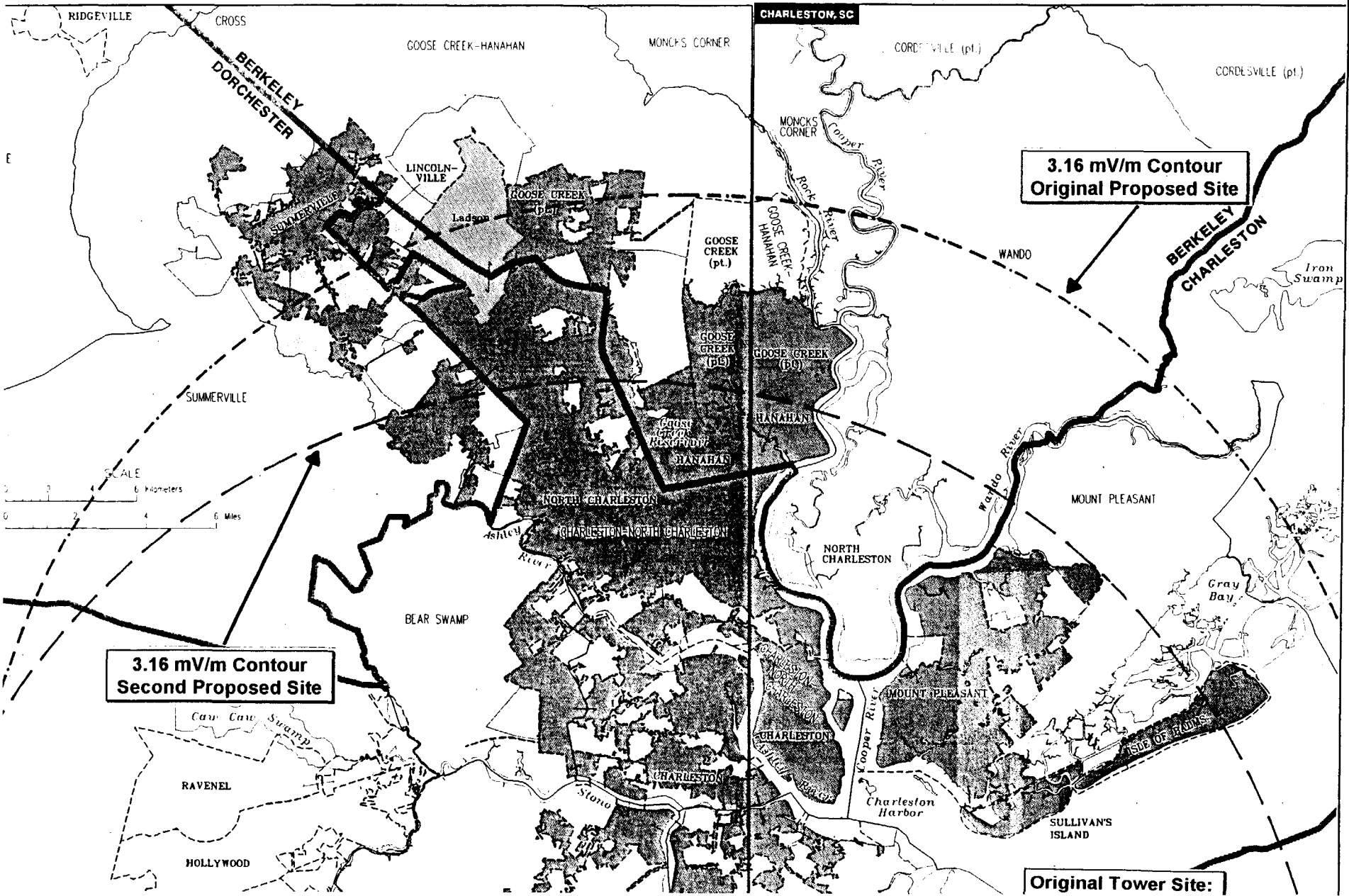
The LMC Petition For Reconsideration included a statement from an aeronautical consultant stating that in his opinion the second site could probably be approved by the FAA. However, the aeronautical consultant went on to say that in order to obtain such FAA approval this new site would require further study and would require a circularization notice by the FAA to all aeronautical interests in the area. Thus, even the aeronautical consultant is unsure if this site is suitable for FAA purposes.

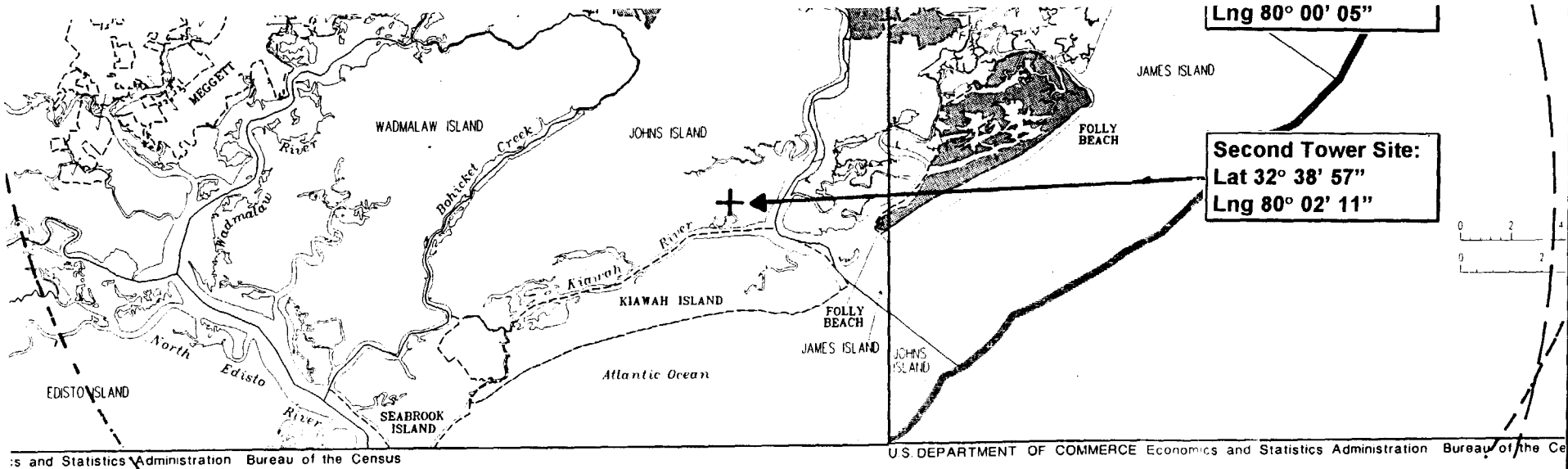
**Bromo Communications, Inc.**

A handwritten signature in black ink, reading "William G. Brown". The signature is fluid and cursive, with the first name "William" and last name "Brown" clearly legible.

William G. Brown  
Consultant to Sampit Broadcasters

# Urbanized Areas

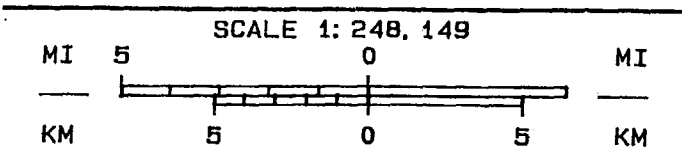




## Coverage of Charleston Urbanized Area

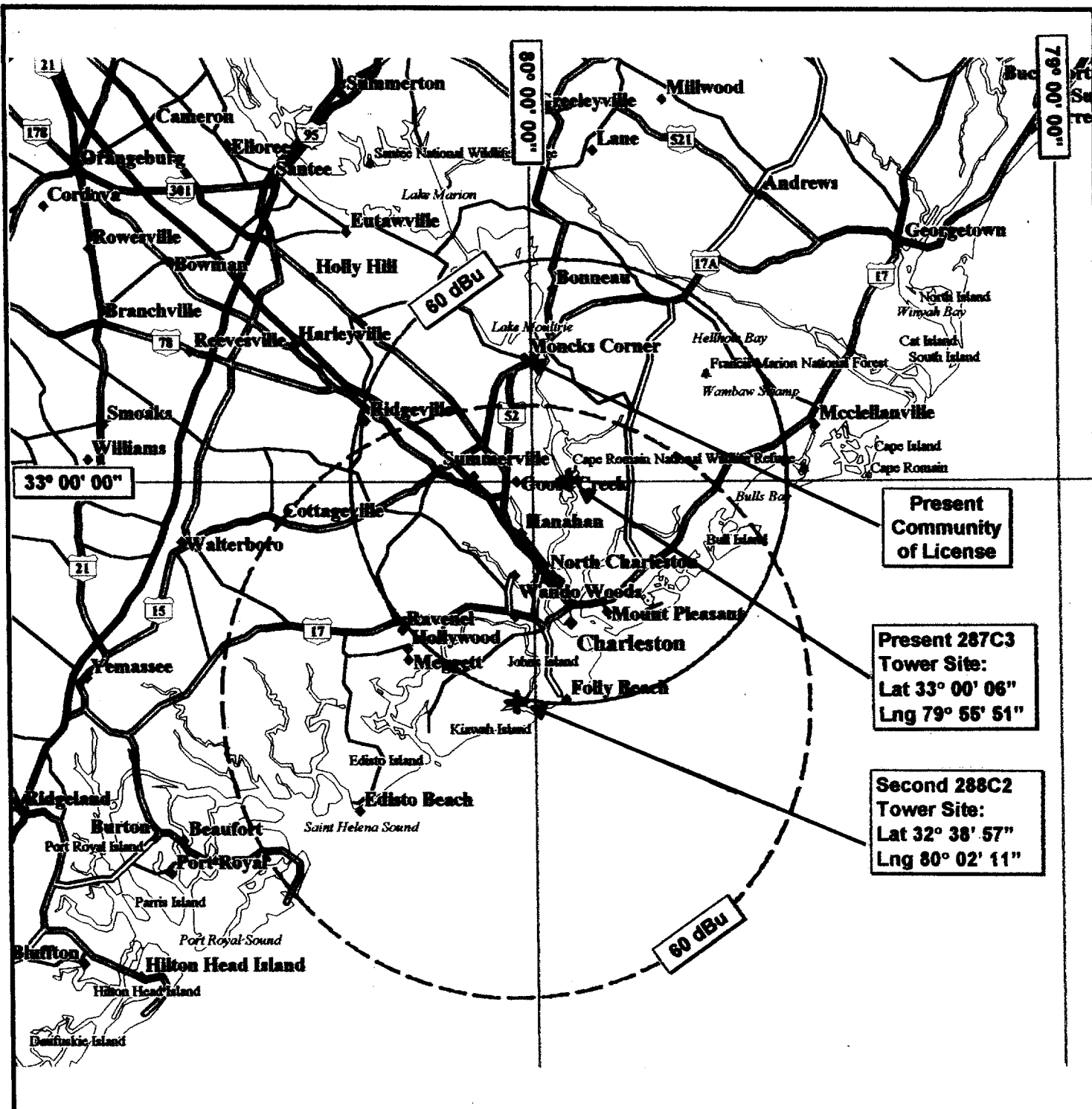
Map is state of South Carolina  
US Department of Commerce  
Economics and Statistics Administration  
Bureau of Census (1990)

Shaded Areas represent the Charleston, SC  
urbanized area



**EXHIBIT #1**  
**Opposition to**  
**Petition for Reconsideration**  
Sampit Broadcasters  
September 1996

**BROMO** BROADCAST  
TECHNICAL CONSULTANTS  
COMMUNICATIONS

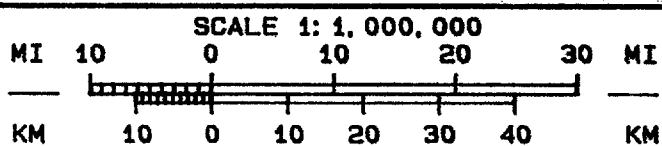


## Gain / Loss Area

Map is State of South Carolina  
Scale 1:1,000,000  
©1993 DeLorme Mapping

Solid Line is Present Channel 287C3 - 1.0 mV/m Contour

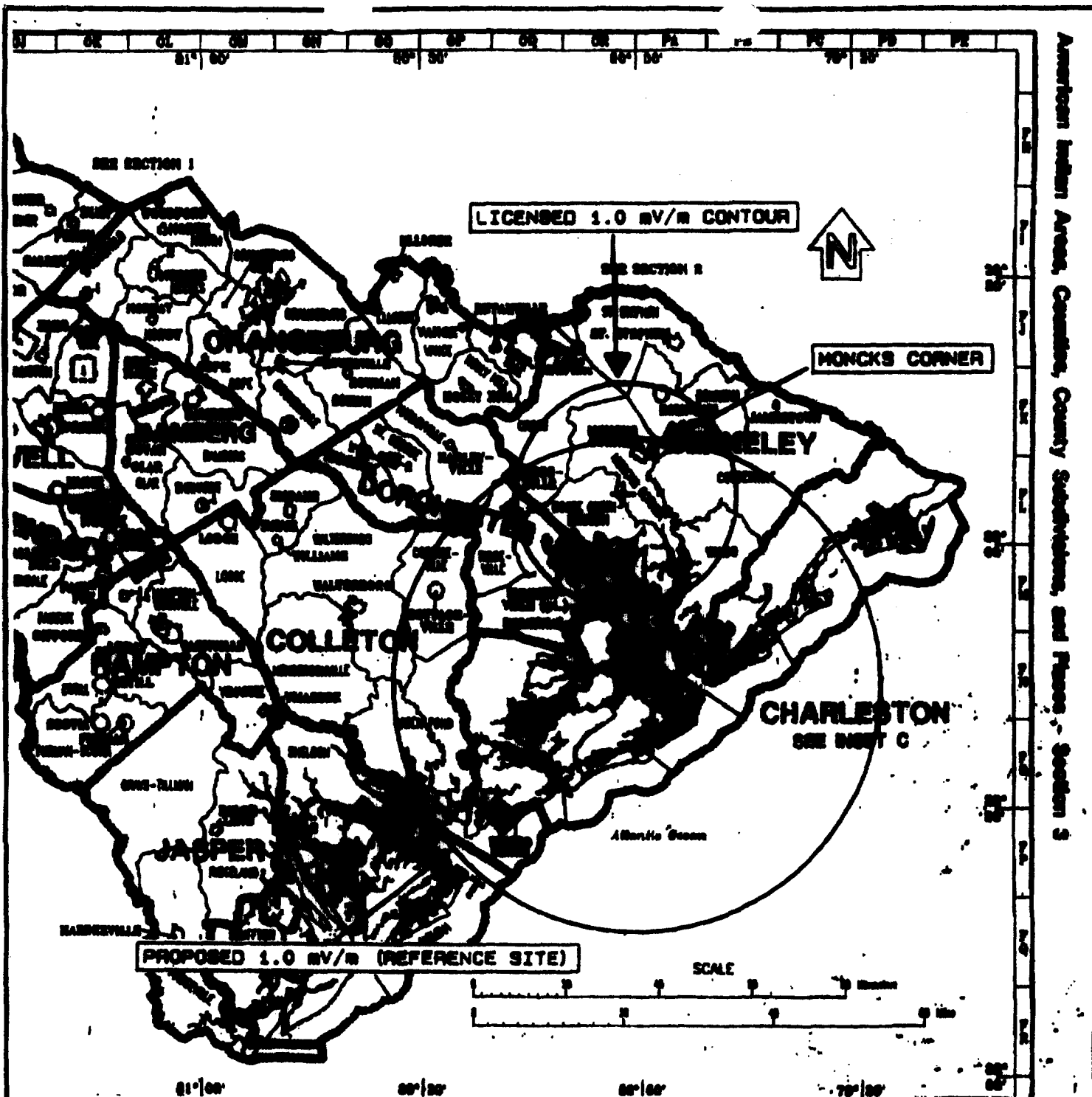
Dashed Line is Second Proposed Site - 1.0 mV/m Contour



**EXHIBIT #2**  
**Opposition to**  
**Petition for Reconsideration**  
Sampit Broadcasters  
September 1996

**BROMO**  
**COMMUNICATIONS**  
BROADCAST  
TECHNICAL CONSULTANTS

**ATTACHMENT 2**



### COVERAGE COMPARISON

MAP IS A PORTION OF THE 1990 U.S. CENSUS MAP FOR THE STATE OF SOUTH CAROLINA.

PROPOSED C2 COVERAGE IS BLACK CONTOUR.  
LICENSED A COVERAGE IS RED CONTOUR.

SEE EXHIBIT #3A FOR TABULATION OF POPULATION DATA.

### EXHIBIT #3

PETITION FOR RULE MAKING  
CEDAR CAROLINA LTD PTNRSHIP  
ALLOT CHANNEL 288C2  
KIAWAH ISLAND, S. CAROLINA

April 1994

**GRAHAM BROCK, INC.**

BROADCAST TECHNICAL CONSULTANTS



**CERTIFICATE OF SERVICE**

I, Patricia A. Neil, a secretary in the law offices of Smithwick & Belendiuk, P.C., certify that on this 20th day of September, 1996, copies of the foregoing were mailed, postage prepaid, to the following:

Mr. John A. Karousos\*  
Chief, Allocations Branch  
Federal Communications Commission  
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Room 536  
Washington, D.C. 20554

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Federal Communications Commission  
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